

Message Text

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ACTION ARA-10

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FOR ACTING ASSISTANT SECRETARY LUERS FROM CHARGE

E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: AMERICAN PRISONERS IN BOLIVIA

REF: STATE 41313

1. AT APPOINTMENT MARCH 1 WITH MINISTER OF INTERIOR PEREDA, I REVIEWED OVERALL PRISONER'S SITUATION IN DETAIL AS OUTLINED REFTL, REMINDING HIM OF HIS PLEDGE TO AMBASSADOR STEDMAN, THE INTEREST IN WASHINGTON ON THE PART OF PARENTS, PRESS AND CONGRESSMEN, AND OUR DESIRE TO AVOID A CONFRONTATION OVER THIS ISSUE. I EXPRESSED OUR APPRECIATION FOR HIS PERSONAL INVOLVEMENT IN THE ISSUE AND OUR BASIC HUMANITARIAN CONCERNS OVER THE PRISONERS. I NOTED THAT THE U.S. PRESS HAD BEEN RESTRAINED IN HANDLING THE SITUATION BUT THAT IN VIEW OF THE RAPID GROWTH OF U.S. POLITICAL INTEREST IN HUMAN RIGHTS, CONGRESSIONAL INTEREST AND THE INTERESTS OF THE PARENTS IN THEIR CHILDREN'S WELFARE, IT WAS ESSENTIAL FOR THE SITUATION TO BE RESOLVED.

2. REGRETTABLY, PEREDA SAID HE WAS UNABLE AT THIS TIME TO TELL ME OF SPECIFIC PROGRESS TOWARD THE RELEASE OF ANY OF THE
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PRISONERS. HE WISHED TO ASSURE US OF HIS CONTINUING PERSONAL INTEREST BUT HIS DIFFICULTY IN PUSHING HARDER FOR PROMPT ACTION LAY IN THE TRADITIONAL SEPARATION OF POWERS. THERE WAS NO WAY, PEREDA SAID, IN WHICH HE COULD INSTRUCT THE JUDGES AND FISCALES (PUBLIC PROSECUTORS) TO MOVE QUICKLY ON THE MATTER. AS EMBASSY HAS PREVIOUSLY REPORTED, PEREDA HAD SPOKEN TO THE JUDGES AND FISCALES SHORTLY AFTER HIS DISCUSSION WITH AMBASSADOR STEDMAN ON JANUARY 25. HE HAD URGED

THEM, HE SAID, TO MOVE QUICKLY ON THESE CASES. HOWEVER, THE MINISTER ADDED, THERE WAS A GREAT SENSITIVITY TO JUDICIAL CONDUCT IN NARCOTICS CASES IN BOLIVIA. IF JUDGES DID NOT CONFORM TO THE FULL PROCEDURES AS REQUIRED BY LAW THEY WOULD LAY THEMSELVES OPEN TO ACCUSATIONS OF ACCEPTING BRIBES. THIS WAS A PROBLEM, PEREDA SAID, IN ANY ATTEMPT OF THE EXECUTIVE POWER TO FIND SOME DETOUR AROUND PROCEDURES THAT WOULD SHORTEN THE CASES.

3. PEREDA WISHED US TO BE ASSURED HOWEVER, THAT WITHIN THE LIMITS OF THIS LEGAL PROBLEM, THE JUDGES AND FISCALES WERE MOVING THE CASES FORWARD EXPEDITIOUSLY. HE OBVIOUSLY WANTED TO AVOID FIXING ANOTHER TIME PERIOD FOR ACTION BY THE COURTS BUT EXPRESSED THE OPINION THAT WITHIN SOME DAYS THERE MIGHT BE NEW DEVELOPMENTS. HE ASKED THAT UPON THE RETURN OF COL. APARICIO (CHIEF OF DNSP) FROM THE UNITED STATES, THE EMBASSY ONCE AGAIN DISCUSS WITH APARICIO THE STATUS OF EACH CASE AND THE PROGRESS MADE. PEREDA WAS AWARE, HE SAID, OF THE HUMANITARIAN AND HUMAN RIGHTS ASPECT OF THE PROBLEM AND HOPED, AS WE DID, THAT NO CONFRONTATION WOULD ARISE. HE ALSO HOPED THAT THE USG WOULD BE UNDERSTANDING OF THE REQUIREMENTS OF BOLIVIAN LAW AND PATIENT OF THE LEGAL PROCEDURES WHICH THE COURTS, WITH THEIR LIMITED PERSONNEL, MUST FOLLOW.

4. COMMENT: THE MINISTER, I THINK, HAVING NO NEWS FOR US, TURNED TO THE MOST OBVIOUS AND VALID EXPLANATION FOR DELAY. HE IS SINCERE, I BELIEVE, AND THERE MAY BE LITTLE HE CAN DO TO MOVE THE CUMBERSOME MACHINERY OF THE COURTS. AS TO HIS STATEMENT THAT WITHIN THE LIMITS OF THE JUDICIAL FRAMEWORK THE COURTS ARE MOVING EXPEDITIOUSLY, OUR CONSULAR OFFICER HAS NOTED THAT IN ONE EARLY CASE, THAT INVOLVING BOGGES, KLOEHN, LACROIX AND MACDONALD, HEARINGS ARE NOW LIMITED OFFICIAL USE

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TAKING PLACE AFTER A LAPSE OF A YEAR. THERE IS NOT OTHER VISIBLE SPURT OF ACTIVITY.

5. MY CALL WAS USEFUL IN AGAIN GETTING PEREDA TO FOCUS ON THE URGENCY OF THE PROBLEM, BUT I SUGGEST THAT AMBASSADOR STEDMAN FOLLOW UP NEXT WEEK. I HOPE, AS WE ALSO SUGGESTED (LA PAZ 4210) THAT THE PRISONER ISSUE HAS BEEN MENTIONED DURING MINISTER OF PLANNING GENERAL LECHIN'S CURRENT VISIT (HE HAS APPOINTMENT TODAY MARCH 1 WITH ASSISTANT SECRETARY KATZ). COLONEL APARICIO WILL BE IN WASHINGTON ON MARCH 9 AND 10, WHICH WILL GIVE OPPORTUNITY FOR A SECOND DISCUSSION WITH HIM. HIS ABSENCE FROM LA PAZ DURING PAST MONTH HAS NOT

BEEN HELPFUL.
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